

ZONING BOARD OF APPEALS MEETING
Keith Bow, November 19, 2013

The Zoning Board meeting was called to order by Chairman Mike DeWitt at 6:30 PM.

PRESENT: Chairman DeWitt, Members: Dumke, Kirszenstein and Gaffney, CEO Czechowski, Keith Bow – property owner and Todd Audsley, project manager Smart Design Architecture, PLLC.

ABSENT: Brian Schumacher

The purpose of this public hearing: Keith Bow has filed for a Building Permit to locate a two-family dwelling on the ground floor of his property located at 13137 Broadway, which is in a B-1 District, but Village code section 210-21B(1) only allows dwelling units in a B-1 district above the ground floor.

CEO Czechowski explained to the board some background information about the property. The property was in a C-1 Zoning District. The Village Board implemented a B-1 district thru the Comprehensive Plan. The B-1 district is design to have retail on the first floor, and any dwelling units on the 2nd floor. This multi family dwelling property has been located here for many years before the rezone.

Chairman DeWitt opened the Public Hearing to the audience.

Todd Audsley, spoke for Keith Bow on the use variance request. The 3 unit apartment has been long overdue for remodeling/rebuilding and was gutted. That was when the CEO approached the owner, as it was no longer a remodel, but a rebuild and a variance would be required.

The plan for the modification is to renovate the 3 smaller apartments, into 2 larger apartments. This would allow Bow to increase the rent and entice a higher class cliental. It would also allow for the following: better fire separation, one less car, more efficient energy updates and better code compliance.

The Code Enforcement Officer had received no negative comments from any of the neighbors.

MOTION by Charles Gaffney, seconded by Tom Kirszenstein, to close the public hearing. Carried

Chairman DeWitt proceeded to review the five criteria for the requested variance.

1. The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence: **Yes. Based on the**

provided financial analysis, there is a shortfall of revenue projected to be at a rate of 25% less than if the variance is denied.

2. The alleged hardship relating to the property is question is unique, and does not apply to a substantial portion of the district or neighborhood: **Yes. This is one of a handful of properties within this district that is solely residential. The property was in conformance with zoning regulations until the designation was changed by the Village of Alden from C-1 to B-1 in June 2011.**

3. The requested use variance, if granted, will not alter the essential character of the neighborhood: **Yes. It would actually improve the area, as the existing dwelling units are old and in disrepair.**

4. The alleged hardship has not been self-created: **Yes. The property was in conformance with zoning regulations until the designation was changed by the Village of Alden from C-1 to B-1 in June 2011.**

5. It will not create a hazard to health, safety or general welfare: **Yes. It will create a safer environment.**

MOTION by Tom Kirszenstein, seconded by Charles Gaffney, to grant requested variance. Unanimous, Carried.

MOTION by Bob Dumke, seconded by Tom Kirszenstein, to adjourn the hearing at 6:39 PM. Carried.

I respectfully submit,

Sue Galbraith, Clerk
Zoning Board of Appeals